

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BRENDA R. HATTON, Individually and as  
Executrix of the Estate of PHILLIP HATTON,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY,

Defendant.

C.A. No. \_\_\_\_\_.

**DEFENDANT GENERAL ELECTRIC COMPANY'S NOTICE OF REMOVAL**

Please take notice that Defendant General Electric Company ("GE"), by and through the undersigned counsel, hereby removes this civil action to the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446 *et seq.* As to GE, removal is proper based upon diversity jurisdiction. Specifically, the grounds for removal are:

1. Plaintiff Brenda R. Hatton, Individually and as Executrix of the Estate of Phillip Hatton originally filed this action in the Middlesex County Superior Court as Civil Action No. 18-0313 on February 1, 2018. However, Defendant GE was not served with a copy of the Complaint until February 20, 2018. (See Pl.'s Complaint, attached hereto at Exhibit A).

2. Plaintiff Brenda R. Hatton, Individually and Executrix of the Estate of Phillip Hatton, was, at the commencement of this action, and is now a resident of the State of Kentucky and of no other state. (See Pl.'s Compl. ¶ 1, February 1, 2018) (Exhibit A).

3. Defendant GE was, at the commencement of this action, and is now, incorporated in the State of New York and has its principal place of business in Massachusetts.

4. Pursuant to 28 U.S.C. § 1446(b), a defendant wishing to remove an action from state court must file a notice of removal “within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based...” 28 U.S.C. § 1446(b)(1). GE was served on February 20, 2018; thus, this Notice of Removal is timely filed.

5. This Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1332, in that the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states for diversity purposes. The above-captioned action may, therefore, be removed pursuant to 28 U.S.C. §1332 and 1441(a).

6. With respect to removal based upon diversity jurisdiction, GE represents as follows:

a. The parties to this action are citizens of different states, and were citizens of different states at the time the suit was initiated;

b. This is a civil action involving claims that Plaintiff's decedent contracted an asbestos-related disease as a result of his alleged exposure to defendant's products during the course of his employment; and

c. Although the Plaintiff's Complaint does not specify the amount in controversy, GE reasonably believes that the amount at issue exceeds the sum or value of \$75,000, exclusive of interest and costs.

7. Pursuant to 28 U.S.C. § 1446(a), copies of all “process, pleadings, and orders served upon [GE],” from the time it was first served in this case on February 20, 2018 are attached hereto at Exhibits A and B.<sup>1</sup>

8. Pursuant to Rule 81.1 of the Local Rules of Civil Procedure for the United States District Court for the District of Massachusetts, within 28 days after filing this Notice, GE shall file “certified or attested copies of all records and proceedings in the state court and a certified or attested copy of all docket entries in the state court.” In the meantime, uncertified copies of “all records and proceedings in the state court” are included at Exhibit B for this Court’s convenience.

9. Pursuant to 28 U.S.C. § 1446(d), GE has today filed a copy of this Notice of Removal with the Massachusetts Superior Court (Middlesex County) notifying that court of this removal. A copy of the state court notice is attached hereto as Exhibit C.

10. Pursuant to 28 U.S.C. § 1446(d), GE has today served a copy of this Notice of Removal on Plaintiff Brenda R. Hatton, Individually and as Executrix of the Estate of Phillip Hatton, the only adverse party.

**WHEREFORE**, Defendant, General Electric Company, hereby removes this action on the basis of diversity jurisdiction.

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<sup>1</sup> Exhibit A consists of the Summons and Complaint served on GE. Exhibit B consists of the remainder of the “process, pleadings, and orders served upon [GE]” in this action, as required by 28 U.S.C. 1446(a). GE will promptly request that a certified copy of all “records and proceedings” in the state court action be sent to this Court within 28 days of the removal date, as required by Rule 81.1(a) of the Local Rules of Civil Procedure for the United States District Court for the District of Massachusetts.

Dated: February 21, 2018

THE DEFENDANT  
GENERAL ELECTRIC COMPANY  
By its Attorney,

/s/ Catherine A. Mohan

Catherine A. Mohan

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**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants (none) on February 21, 2018.

/s/Catherine A. Mohan

Catherine A. Mohan